

Baton Rouge City Court  
City of Baton Rouge  
State of Louisiana

City of Baton Rouge

No.: \_\_\_\_\_

vs.

Division: \_\_\_\_\_

**MOTION FOR EXPUNGEMENT--ARRESTS/CONVICTIONS**

NOW INTO THIS COURT comes Mover, who provides the Court with the following information in connection with this request:

**I. DEFENDANT INFORMATION**

Name: \_\_\_\_\_  
(Last, First, MI)

DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

GENDER: \_\_\_\_\_ Female \_\_\_\_\_ Male

SSN (last 4 digits): XXX-XX-\_\_\_\_\_

RACE: \_\_\_\_\_

DRIVER LIC.# \_\_\_\_\_

ARRESTING AGENCY: ☐ Baton Rouge City Police  
☐ Baton Rouge City Constable

SID# (if available): \_\_\_\_\_

ARREST NO. (if available): \_\_\_\_\_

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support:

**II. ARREST INFORMATION**

1. Mover was arrested \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

2. \_\_\_\_\_ YES \_\_\_\_\_ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:  
\_\_\_\_\_ YES \_\_\_\_\_ NO Arrested, but it did not result in conviction  
\_\_\_\_\_ YES \_\_\_\_\_ NO Convicted of and seeks to expunge a misdemeanor

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

FILED \_\_\_\_\_, 20\_\_\_\_

(SIGNED) \_\_\_\_\_

SENIOR CHIEF DPY CLERK OF COURT

**\_\_\_\_\_ YES \_\_\_\_\_ NO ALL ARRESTS THAT DID NOT RESULT IN CONVICTION:**

**ITEM NO. 1** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Time expired for prosecution \_\_\_\_\_  
 (MM/DD/YYYY)  
 ( ) Not prosecuted for any offense arising out of this charge.  
 ( ) Pre-trial Diversion Program.  
 ( ) DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest.  
 ( ) Charge dismissed.  
 ( ) Found not guilty/judgment of acquittal

**ITEM No. 2** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Time expired for prosecution \_\_\_\_\_  
 (MM/DD/YYYY)  
 ( ) Not prosecuted for any offense arising out of this charge.  
 ( ) Pre-trial Diversion Program.  
 ( ) Charge dismissed.  
 ( ) Found not guilty/judgment of acquittal

**ITEM No. 3** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Time expired for prosecution \_\_\_\_\_  
 (MM/DD/YYYY)  
 ( ) Not prosecuted for any offense arising out of this charge.  
 ( ) Pre-trial Diversion Program.  
 ( ) Charge dismissed.  
 ( ) Found not guilty/judgment of acquittal

**\_\_\_\_\_ YES \_\_\_\_\_ NO ALL MISDEMEANOR CONVICTIONS:**

**ITEM NO. 4** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894 (B) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 ( ) More than 5 years have passed since completion of sentence.

**ITEM NO. 5** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894 (B) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 ( ) More than 5 years have passed since completion of sentence.

**ITEM NO. 6** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894 (B) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 ( ) More than 5 years have passed since completion of sentence.

**ITEM NO. 7** Code of Ordinance Title: \_\_\_\_\_ Section: \_\_\_\_\_  
 Name of the offense \_\_\_\_\_  
 ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894 (B) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 ( ) More than 5 years have passed since completion of sentence.

**ADDITIONAL REQUIREMENTS FOR ALL MISDEMEANOR CONVICTIONS, INCLUDING OPERATING A MOTOR VEHICLE WHILE INTOXICATED, WHEN ARTICLE 894 WAS NOT IMPOSED**

If Article 894 has not been applied and more than five years have elapsed since the applicant completed any sentence, deferred adjudication, or period of probation, and the applicant has not been convicted of any felony offense during the five year period and has no felony charge pending against him, Mover has attached the following documentation:

- ( ) Criminal Background Check from the La. State Police/East Baton Rouge Parish Sheriff Office dated within the past 30 days
- ( ) Certification letter from the East Baton Rouge District Attorney which verifies that to his knowledge the applicant has no felony convictions during the five year period and no pending felony charges under a bill of information or indictment.

**ADDITIONAL REQUIREMENTS FOR OPERATING A MOTOR VEHICLE WHILE INTOXICATED WHEN ARTICLE 894 WAS IMPOSED:**

If Article 894 has been applied, Mover has attached the following:

- ( ) Criminal Background Check from the La. State Police/East Baton Rouge Parish Sheriff Office dated within the past 30 days
- ( ) A copy of the proof from the Department of Public Safety and Corrections, Office of Motor Vehicles, that it has received from the Clerk of Court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of the social security number, and driver's license number. [This document can be acquired through the Records Division, Baton Rouge City Court, by providing a \$50.00 money order from the U.S. Post Office only, payable to the Office of Motor Vehicles.]
- ( ) Affidavit(s)
- ( ) Minute entry showing final disposition of case (if any).

**ADDITIONAL REQUIREMENTS IF APPLICANT IS SEEKING A WAIVER OF FEES**

Mover has attached the following:

- ( ) Certification letter from the East Baton Rouge Parish Attorney Office which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:
  - (1) the applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense,
  - (2) the City Prosecutor consents, and the case against the applicant was dismissed or the City Prosecutor declined to prosecute the case prior to the time limitations prescribed in the Code of Criminal Procedure and the applicant did not participate in a pretrial diversion program
  - (3) the applicant was arrested and was not prosecuted within the time limitations prescribed in the Code of Criminal Procedure and did not participate in a pretrial diversion program.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the City Prosecutor's Office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541, et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency names herein is attached hereto and made part hereof, Defendant requests that no contradictory hearing be requires and the Motion be granted ex parte.

Respectfully submitted,

\_\_\_\_\_  
Signature of Attorney for Mover/Defendant

\_\_\_\_\_  
Attorney for Mover/Defendant Name

\_\_\_\_\_  
Attorney's Bar Roll No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**If not represented by counsel:**

\_\_\_\_\_  
Signature of Mover/Defendant

\_\_\_\_\_  
Mover/Defendant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

Baton Rouge City Court  
City of Baton Rouge  
State of Louisiana

No.: \_\_\_\_\_

Division: \_\_\_\_\_

City of Baton Rouge

vs.

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**ORDER**

**IT IS HEREBY ORDERED,**

- ☐ If there is an objection to the Motion for Expungement, the City Prosecutor and the arresting law enforcement agency shall file a Motion to object within sixty days of the service of this Order.
- ☐ If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement, they shall file a Motion within 120 days of the service of this order (prior to August 1, 2015) and within 60 days of service of this order (after August 1, 2015)
- ☐ **NO CONTRADICTORY HEARING SHALL BE REQUIRED** as evidenced by the “Affidavit of No Opposition” executed by each agency named herein and attached to the Motion for Expungement.

**THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Baton Rouge, Louisiana.

\_\_\_\_\_  
Judge, Baton Rouge City Court, Division \_\_\_\_\_

**PLEASE SERVE:**

1. City Prosecutor
2. Louisiana Bureau of Criminal Identification and Information
3. Arresting Agency: Baton Rouge City Police, or Baton Rouge City Constable  
(circle one)

Baton Rouge City Court  
City of Baton Rouge  
State of Louisiana

No.: \_\_\_\_\_

Division: \_\_\_\_\_

City of Baton Rouge

vs.

**AFFIDAVIT OF RESPONSE TO MOTION FOR EXPUNGEMENT**

Pursuant to Louisiana Code of Criminal Procedure Article 980, the City Prosecutor for the City of Baton Rouge acknowledges the following:

- ☐ **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- ☐ **Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

----- OR -----

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

- ☐ **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- ☐ **Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

----- OR -----

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency, Baton Rouge City Police/Baton Rouge City Constable, acknowledges the following:

- ☐ **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- ☐ **Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

\_\_\_\_\_  
Signature of Attorney or Designated Agency  
Representative

\_\_\_\_\_  
Attorney's Bar Roll No. (if applicable)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number

**PLEASE SERVE:**

1. City Prosecutor
2. Louisiana Bureau of Criminal Identification and Information
3. The Arresting Law Enforcement Agency:  
Baton Rouge City Police, or Baton Rouge City Constable

Baton Rouge City Court  
City of Baton Rouge  
State of Louisiana

No.: \_\_\_\_\_

Division: \_\_\_\_\_

City of Baton Rouge

vs.

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**ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD**

Considering the Motion for Expungement,

- ☐ The hearing conducted and evidence adduced herein, OR
- ☐ Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED, AND DECREED

- ☐ **THE MOTION IS DENIED** for Item(s) No. \_\_\_\_\_  
the following reasons (check all that apply):
  - ☐ More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
  - ☐ The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
  - ☐ Mover has had another record of misdemeanor conviction expunged during the previous five-year period.
  - ☐ The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.
  - ☐ Mover was convicted of a misdemeanor that arose from circumstances involving a sex offense as defined in R.S. 15:541.
  - ☐ Mover was convicted of misdemeanor offense of domestic abuse battery, which was not dismissed pursuant to Code of Criminal Procedure Article 894(B).
  - ☐ Mover did not complete pretrial diversion.
  - ☐ Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).
  - ☐ Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.
  - ☐ Denial of any other reason provided by law with attached reasons for denial.
- ☐ **THE MOTION IS HEREBY GRANTED** for Item(s) No. \_\_\_\_\_  
and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above captioned matter, which record shall be confidential and no longer considered public record, nor be made available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender

registration and notification pursuant to the provisions of R.S. 15:541, et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

Name: \_\_\_\_\_  
(Last, First, MI)

DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YYYY)

GENDER: \_\_\_\_\_ Female \_\_\_\_\_ Male

SSN (last 4 digits): XXX-XX-\_\_\_\_\_

RACE: \_\_\_\_\_

DRIVER LIC.# \_\_\_\_\_

ARRESTING AGENCY: Baton Rouge City Police

SID# (if available): \_\_\_\_\_

ARREST NUMBER: \_\_\_\_\_

ARREST DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (MM/DD/YY)

**THUS ORDERED AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Baton Rouge, Louisiana.

\_\_\_\_\_  
Judge, Baton Rouge City Court, Division \_\_\_\_\_

**PLEASE SERVE:**

1. City Prosecutor: \_\_\_\_\_
2. Arresting Agency: Baton Rouge City Police, or Baton Rouge City Constable (circle one) \_\_\_\_\_
3. Louisiana Bureau of Criminal Identification and Information \_\_\_\_\_
4. Attorney for Defendant (or defendant) \_\_\_\_\_
5. East Baton Rouge Parish Sheriff Office \_\_\_\_\_

A TRUE COPY \_\_\_\_\_, 20\_\_\_\_

(SIGNED) \_\_\_\_\_  
SENIOR CHIEF DPT CLERK OF COURT